

COMMONWEALTH OF KENTUCKY  
OLDHAM COUNTY  
ORDINANCE NO. KOC-99- 830-199

AN ORDINANCE RELATING TO THE AMENDMENT OF THE EXISTING OLDHAM  
COUNTY SOLID WASTE ORDINANCES, KOC-94-800-846  
AND KOC 97-830-53 COMBINED DOCUMENT

WHEREAS, the Oldham County Fiscal Court has the authority pursuant to the provisions of KRS Chapters 67 and 109, and other applicable law, to enact an ordinance regulating the management of solid waste within the county; and,

WHEREAS, the Oldham County Fiscal Court did advertise and conduct a public hearing on the recommended ordinance amending the Oldham County Solid Waste Ordinances KOC-94-800-846 and KOC-97-830-53, and the said Fiscal Court having voted to adopt the proposed changes at its regular meeting conducted on June 1, 1999.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE  
COUNTY OF OLDHAM, COMMONWEALTH OF KENTUCKY, THAT:

- (1) The following language is added to Section 1: Definitions:

**Landfarming facility:** A facility for the land application of sludges or other solid waste by any method for purposes of disposal. It can be on any piece or pieces of land and may improve the physical and chemical qualities of the land for agricultural purposes, but does not alter the topography of the application area as revealed by contours and will not disturb the soil below three (3) feet from the surface.

**Processing facility:** A processing facility is a facility or part of facility using any method, technique or procedure, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste.

- (2) Section 2.1 is amended as follows. The following underlined language is added to Section 2.1: County Responsibility Defined:

No person shall engage in the collection of solid waste without obtaining a permit from the Solid Waste Coordinator. The County shall provide coordination for the collection of all residential solid waste in the county. The type of collection system provided shall conform with Section 2.4 herein. Coordination of collection shall include, but not be limited to, the permitting of persons to provide solid waste collection in a manner that provides access to a collection service to all households and solid waste generators in the county.

- (3) Section 3.1 is amended as follows. The following underlined language is added to Section 3.1: Collection Vehicle Standards:

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No person shall engage in the transportation of solid waste without obtaining a permit from the Solid Waste Coordinator. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste or, as an alternate, the entire bodies thereof shall be enclosed with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. Vehicles shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.

(4) Section 4: Disposal of Solid Waste is amended as follows:

[This section has to be amended to correct the citations to KRS 224; the current citations in the ordinance are incorrect.]

(5) Section 5.1: Permit Requirements is amended as follows:

(a) The following language is to be deleted from Section 5.1: Permit Requirements:

No person shall engage in the business of collection, transportation or processing of solid waste within the county without a permit secured from the Solid Waste Coordinator. In the event any one person engages in the collection, transportation and processing of solid waste, or any combination thereof, there shall be required of said person only one permit thereunder.

(b) The following language is added to Section 5.1: Permit Requirements:

(a) No person shall engage in the management, processing or disposal of solid waste at a solid waste site or facility without first obtaining a permit from the Solid Waste Coordinator. Solid waste site or facility includes: contained landfill; construction demolition debris landfill; residual landfill; landfarming facility; commercial recycling centers; recycling facility; transfer facility; solid waste incinerators; convenience centers; commercial composting sites or facilities; sanitary landfills; automobile wrecking and salvage operations; and, any other solid waste site or facility for solid waste management, processing or disposal by landfilling, incineration, landfarming or any other method.

(b) In the case of a contained landfill, residual landfill, landfarming facility, commercial recycling center, recycling facility, transfer facility, solid waste incinerator, convenience center, commercial composting site or facility or sanitary landfill, the person will be deemed to have a permit from the Solid Waste Coordinator upon the submittal to the county's Solid Waste Office a permit issued pursuant to KRS Chapter 224 and the regulations promulgated pursuant thereto. In addition, the person shall manage, process or dispose of the solid waste in compliance with any provision of this ordinance applicable to the particular type of facility.



(6) Section 5.3: Permit Application is amended as follows. Underlined language is to be added to the section. Bracketed and strikethrough language is to be deleted from the section:

Section 5.3: Permit Application for Collection and Transportation of Solid Waste

All persons involved in the business of collecting [;] and transporting [~~or processing~~] of solid waste within Oldham County shall file an annual application with the Solid Waste Coordinator. Such reports shall:

- (A) Be due on February 1 of each year.
- (B) Be in conformance with the format and requirements set by the Solid Waste Coordinator.
- (C) Each applicant for any such permit shall state in his application the following:
  - 1. the nature of the permit desired, as to collect [~~or process~~] or transport solid waste or any combination thereof;
  - 2. name and address of the applicant, and whether the applicant is a sole proprietorship, corporation, or partnership with disclosure of the ownership interests;
  - 3. the number of employees and solid waste collection vehicles to be operated thereunder;
  - 4. rates the applicant plans to charge customers;
  - 5. location or locations of solid waste processing or disposal facilities to be used;
  - 6. service routes and boundaries of collection area;
  - 7. number of households and other customers served;
  - 8. tax number of the business; and,
  - 9. other such information as required by the Solid Waste Coordinator.

(7) Section 5.4: Permit Issuance is amended as follows. Underlined language is to be added to the ordinance. Bracketed and strikethrough language is to be deleted from the ordinance:

Section 5.4: Permit Issuance for Collection and Transportation of Solid Waste

If the application shows that the applicant will collect [;] and transport [~~and process~~] solid waste without hazard to the public health or damage to the environment and in conformity with the laws of the Commonwealth of Kentucky and this ordinance, the Solid Waste Coordinator may issue the permit authorized by the ordinance. The solid Waste Coordinator shall have the authority to limit the number of permits issued to preserve the health, comfort, safety and welfare of the residents, to promote energy conservation, and to provide for collection and disposal consistent with good solid waste management practices. The permit shall be issued for a period of one (1) year, and each applicant shall pay a fee of \$50.00. If modifications can be made to the application regarding service, equipment or mode of operation as to bring the application within the intent of the ordinance, the Solid Waste Coordinator shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

(8) Section 5.5: Application Denial is amended as follows. Underlined language is to be added to the ordinance. Bracketed and strikethrough language is to be deleted from the ordinance:

Section 5.5: Application Denial for Collection and Transportation of Solid Waste Permit

If the applicant does not make the modification pursuant to the notice in Section 5.4 within the time limit specified therein or if the application does not clearly show that the collection [ , processing] or transportation of solid waste will not create a public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Solid Waste Coordinator, in writing, stating the reason for such denial. Nothing in this section shall prejudice the right of the applicant to reapply after the rejection of his application provided that all aspects of the reapplication comply with the provisions of this ordinance. Nothing in this section shall prevent the denial of a permit should the total number of annual permits have already been issued.

(9) The following language is to be deleted from Section 5: Permits:

Section 5.6: Inspections

In order to ensure compliance with the laws of the Commonwealth of Kentucky, this ordinance, and the rules and regulations authorized herein, the Solid Waste Coordinator is authorized to inspect all phases of solid waste management within the county. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this ordinance, the Solid Waste Coordinator shall issue notice for each such violation stating therein the violation or violations found, the corrective measure to be taken, together with the time in which such corrections shall be made.

Section 5.7: Permit Suspension

In all cases, when the corrective measures have not been taken within the time specified, the Solid Waste Coordinator shall suspend or revoke the permit or permits involved in the violations. However, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not exceeding the original period may be given.

Section 5.8: Injunctive Relief

In the event a permit is revoked and the person continues to operate, the Solid Waste Coordinator may request the action of a court of law to enjoin the acts and to enforce compliance with this ordinance or any rule or regulation promulgated thereunder.

Section 5.9: Appeal



Any person who feels aggrieved by any notice of violation or order issued pursuant thereto by the Solid Waste Coordinator may within 30 days of the act for which redress is sought appeal directly to the Oldham County Fiscal Court in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

(10) Section 5.10: Permit Display is amended as follows. Underlined language is to be added to the ordinance. Bracketed and strikethrough language is to be deleted from the ordinance:

Section 5.6 [5-10] Permit Display

All solid waste collectors operating under any permit required by this ordinance for the collection and transportation of solid waste shall maintain a copy of said permit in each collection vehicle. Any permit required by this ordinance for the management, processing or disposal of solid waste at a solid waste site or facility [~~processing or disposal facilities~~] shall be prominently displayed at the facility.

(11) The following language is to be deleted from Section 6: Debris Landfill:

Section 6.6: Inspections

Any fill operation, whether permitted or not, may be inspected by the Solid Waste Coordinator in accordance with Section 5.5 herein.

Section 6.7: Permit Suspension

Any permit issued under this section may be suspended in accordance with Section 5.6 herein.

Section 6.8: Injunctive Relief

In the event a permit issued under this section is revoked and the person continues to operate, the Solid Waste Coordinator may request the action of a court of law to enjoin the operation of the facility and to enforce compliance with this ordinance or any rule or regulation promulgated thereunder.

Section 6.9: Appeal

Appeal of any action taken by the Solid Waste Coordinator under this section shall be in accordance with Section 5.8 herein.

(12) Section 7: Construction/Demolition Debris Landfill is amended as follows. Underlined language is to be added to the ordinance. Bracketed and strikethrough language is to be deleted from the ordinance.

(a) Section 7.7: General Operating Requirements is amended as follows:

(A) CDDLs may operate during daylight hours Monday through Saturday. The Solid Waste Coordinator has the authority to restrict hours of operation when warranted for public safety reasons. Restrictions on the hours of operation may be warranted when the CDDL is in close proximity to residential areas or when CDDL heavy truck traffic must travel through a residential area.

(M) An unlit sign shall be installed at the CDDL driveway entrance with the public street. Such sign shall contain the following information:

Statement that this is a facility for the disposal of construction demolition debris and is not open for unsupervised dumping.

Name and telephone number of the county's Solid Waste Coordinator and police dispatch's non-emergency telephone number.

Name and business telephone number of CDDL operator.

The size of the sign shall be adequate to make it readily legible from the public right-of-way. The sign shall be maintained in a readable condition during the CDDL operation and remain in place until the CDDL has been properly closed in accordance with this ordinance.

(b) Section 7.12: Inspections is amended as follows:

Any construction/demolition debris landfill [fill], whether permitted or not, may be inspected by the Solid Waste Coordinator in accordance with Section 9 [5.5] herein.

(c) The following language is deleted from Section 7:

Section 7.13: Permit Suspension:

Any permit issued under this section may be suspended in accordance with Section 5.6 herein. The revocation of a disposal permit issued by the Cabinet or the failure to pay required fees shall be considered just cause for the suspension or revocation of any county permit issued for the same site.

Section 7.15: Injunctive Relief:

In the event a permit issued under this section is revoked, or a stop work order is in effect and the person continues to operate, the Solid Waste Coordinator may request the action of a court of law to enjoin the acts and to enforce compliance with this ordinance or any rule or regulation promulgated thereunder.

Section 7.16: Appeal

Appeal of any action taken by the Solid Waste Coordinator under this section shall be in accordance with Section 5.8 herein.

- (13) The following language is to be added to the Solid Waste Ordinances as Section 8:

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Section 8: Solid Waste Incinerators

Section 8.1: Operating Requirements:

(A) Incineration of solid waste must be in accordance with an approved state permit for the facility. Incineration of solid waste must take place in an enclosed device using controlled flame combustion.

(B) The hauling of burned refuse and ash to disposal sites, if along a public road, must be in covered vehicles or containers.

(C) The area of the incinerator shall be so fenced as to prevent rubbish from spreading to adjacent properties.

(D) Incinerated material must be disposed of in accordance with an approved state permit. A soil cover must be maintained over incinerated material disposed of on site to prevent the spreading of refuse and ash to adjacent properties.

(D) A source of water of sufficient quantity to combat fires shall be available at the incinerator location at all times.

Section 8.2: Closure Requirements: The Solid Waste Coordinator shall approve the finished land elevation to be attained at the disposal site for the incinerated material, if the incinerated material is disposed of in a fill. There shall be a minimum of two (2) feet of soil cover over the final filling operation.

Section 8.3: Bonding requirements. A performance bond amounting to \$1,000.00 per acre of the incinerator and disposal site shall be filed with the County or City to insure proper finishing of the fill area.

- (14) The following language is to be added to the Solid Waste Ordinances as Section 9:

Section 9: Solid Waste Transfer Stations

Section 9.1: Siting Requirements: All stations shall have a minimum site area of 10 acres with security provisions to prevent unauthorized access.

Section 9.2: Operating Requirements.

(A) All transfer operations shall be conducted in fully enclosed buildings, none of which shall be located closer than 1,000 feet to any residential or commercial use or zoning district.

(B) No waste material shall be stored on-site for longer than 12 hours.

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(C) A list of all sources of solid waste to be received by the facility shall be required to be submitted to the Solid Waste Coordinator prior to the beginning operations at the facility. No waste shall be received from a source that is not on the submitted list.

(D) An engineer appropriately registered in the state of Kentucky shall be on site at all times that waste is being transferred from one mode of transportation to another (for example, from rail to truck) to confirm the receipt of only non-hazardous waste from approved sources. A daily certification report from the engineer listing all waste sources, types and amounts received in each month shall be submitted to the Solid Waste Coordinator no later than the 10<sup>th</sup> day of the following month.

(E) Stations shall provide suitable containers for the recycling of waste materials by the public unless a waiver of this requirement is approved by the Solid Waste Coordinator. Recycled materials shall include, but not be limited to, newspaper, aluminum, glass, and other materials that can be economically recycled. The facility shall be responsible for the proper reclamation of these materials.

(F) Any receipt of hazardous waste, waste not listed on the submittal to the county, or waste not permitted by the state, shall be considered grounds for the Solid Waste Coordinator to impose a stop work order. The stop work order shall be in writing and given to the owner or operator of the solid waste transfer station and shall order the operator or owner of the facility to immediately stop accepting the unpermitted waste. The stop work order shall set forth any corrective actions necessary to properly dispose of the unpermitted waste.

(15) Section 8 of the ordinance is renumbered as Section 9. Sections 9 and 10 are renumbered accordingly. The following language is to be added to the ordinance.

Section 9: Inspection, Enforcement and Penalties

Section 9.1: Inspections

In order to ensure compliance with the laws of the Commonwealth of Kentucky, this ordinance, and the rules and regulations authorized herein, the Solid Waste Coordinator is authorized to inspect all phases of management, processing or disposal of solid waste at a solid waste site or facility within the county, whether or not the site or facility is permitted by the state or the county. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal a violation of this ordinance, the Solid Waste Coordinator shall issue a notice for each such violation stating therein the violation or violations found, the corrective measures to be taken, and a deadline for completing the corrective measures.

Section 9.2: Permit Suspension or Revocation

In all cases, when the corrective measures have not been taken within the time specified,



the Solid Waste Coordinator shall suspend or revoke any county permit or permits for the site or facility where the violations have occurred. However, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not exceeding the original period may be given. In the case of those sites or facilities where only a state permit has been obtained, the suspension or revocation of the state permit shall be considered the suspension or revocation of the county's approval of any solid waste management, processing or disposal activities at the site, for purposes of enforcing this ordinance.

Section 9.3: Injunctive Relief

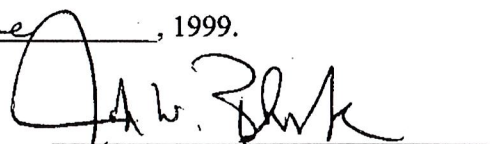
The Solid Waste Coordinator may request the action of a court of law to enjoin any violations of this ordinance or any rule or regulation promulgated thereunder. In the event a solid waste permit is revoked by the state or the county, and the person continues to operate, the Solid Waste Coordinator may request the action of a court of law to enjoin the continued operation of the site or facility.

Section 9.4: Appeal

Any person who feels aggrieved by any final determination made pursuant to this ordinance, or notice of violation or order issued pursuant thereto by the Solid Waste Coordinator, may within 30 days of the final determination or order for which redress is sought appeal directly to the Oldham County Fiscal Court in writing, setting forth in a concise statement the final determination or order being appealed and the grounds for its reversal. An appeal does not stay the effectiveness of the determination or order.

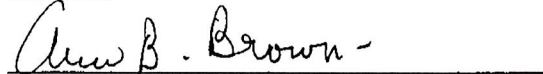
This ordinance shall become effective upon its passage and advertisement according to law.

Dated this 1st day of June, 1999.



JOHN W. BLACK  
Oldham County Judge Executive

ATTEST:



ANN B. BROWN  
Oldham County Fiscal Court Clerk